

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DUNKIN' DONUTS FRANCHISING)
LLC, et al.,)
)
Plaintiffs / Counterclaim Defendants,)
)
vs.)
)
SAI FOOD HOISPITALITY, LLC, et al.,)
)
Defendants / Counterclaim Plaintiffs.)

Case No. 4:11CV01484 AGF

MEMORANDUM AND ORDER

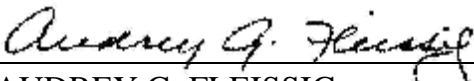
This matter is before the Court on the motion of Defendants for leave to file a third amended answer and counterclaim, joining Dunkin' Brands, Inc., as an additional counterclaim Defendant. Under Rule 15(a) of the Federal Rules of Civil Procedure, a district court should grant leave to amend freely "when justice so requires," and a motion to amend should only be denied for limited reasons, including plaintiff's undue delay or bad faith in bringing the motion, unfair prejudice to defendant, or futility of the amendment. *Schriener v. Quicken Loans, Inc.*, No. 4:12CV1193 CDP, 2012 WL 6553830, at *2 (E.D. Mo. Dec. 14, 2012). Here the Court finds no bad faith on Plaintiffs' part, and finds the current Plaintiffs' arguments of prejudice unpersuasive.

Accordingly,

IT IS HEREBY ORDERED that Defendants' motion to file a third amended counterclaim is **GRANTED**. (Doc. No. 76). The Clerk of Court shall detach the third

amended answer and counterclaim, filed as an exhibit to Defendants' motion, and docket it as a separate document.

IT IS FURTHER ORDERED that Defendants shall serve Dunkin' Brands, Inc., forthwith with a copy of the third amended counterclaim, and file proof of service. Dunkin' Brands, Inc., shall have ten days after responding to the third amended counterclaim, to join in the other Plaintiffs' pending motions and responses/replies, or to inform the Court that it does not wish to do so.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 26th day of December, 2012.